

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 14, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 11:01 a.m.
The meeting was recessed by Mayor O'Connor at 12:43 p.m. to
reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Roberts at 2:08 p.m.
with Mayor O'Connor and Council Members Hartley, Stevens and
McCarty not present.

Deputy Mayor Roberts adjourned the meeting at 3:26 p.m. to meet
in Closed Session in the twelfth floor conference room to discuss
a personnel matter and to convene into Closed Session in the
twelfth floor conference room on Tuesday, January 21, 1992 at
9:30 a.m. to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor O'Connor-Present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Stevens-present
(5) Council Member Behr-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Filner-present

Clerk-Abdelnour/Fishkin (ll/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-not present
(4) Council Member Stevens-present

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- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

PUBLIC COMMENT:

ITEM-PC-5:

Comment by Eric Siegel regarding the graffiti throughout the city. A video cassette was submitted by him to the Mayor and Council Members with his recommendations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E-414-468.)

ITEM-204: (R-92-1024) ADOPTED AS RESOLUTION R-279285

Approving the Planning Department's recommendation on the reconsideration of the Special Projects and Referrals as listed in Attachment 2 of Planning Department Report No. P-92-017, dated December 17, 1991. (See Planning Department Report P-92-017.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A021-473.)

Motion by Wolfsheimer to put the Environmental Tier project in the office of the City Architect as it has everything to do with Urban Form and dovetail it with the SANDAG regional mapping projects along with Water Utilities environmental study to cut additional costs in an effort to economize without fragmenting this project. No second.

MOTION BY WOLFSHEIMER TO ADOPT AND TO REQUEST THE CITY MANAGER TO DO A SEPARATE REPORT THAT WILL ANSWER HOW THE CITY IS GOING TO ACCOMPLISH THE ENVIRONMENTAL TIER AS A FOCUSED EFFORT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-330:

1) Consideration of a request for a Southeast Development Permit and Conditional Use Permit to construct a four-story, 60-unit senior housing project on a 1.98-acre site. The applicant is requesting a variance from the off-setting planes requirements of the Southeast Planned District Ordinance. The subject property is located at 5825 Imperial Avenue, in Zone CT-2, in the Southeast Community Plan area, and is further described as a portion of Lot 16 of Rancho Mission, Map-330.

2) A proposal to vacate Gannet Street between Valencia Parkway and Imperial Avenue as provided for under Section 8330(a) of the Public Streets, Highways, and Service Easements Vacation Law, in conjunction with SED/CUP-90-0451.
(SED/CUP-90-0451. District-4.)

Subitem-A: (R-92-1150) ADOPTED AS RESOLUTION R-279286

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-90-0451 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-92-1151) ADOPTED AS RESOLUTION R-279287,
GRANTED THE APPEAL AND GRANTED THE PERMITS

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

Subitem-C: (R-92-1015) ADOPTED AS RESOLUTION R-279289

Adoption of a Resolution vacating Gannet Street.

DOCKET SUPPORTING INFORMATION: The proposed vacation has been requested by the abutting property owner in conjunction with Southeast San Diego Development/Conditional Use Permit (SED/CUP-90-0451), which is a companion item. The vacation area will be utilized for additional parking and to provide additional acreage needed for the proposed 60-unit housing project for elderly, handicapped, and disabled persons. The subject vacation is located in the Southeast San Diego Community in the CT-2 Zone. The area-of-vacation totals approximately 39,560 square feet. Approximately 25,700 square feet will revert to the development

site proposed under the SED/CUP and will provide area for 17.7 additional residential units under the density suggested by the community plan. The remaining 13,900 square feet will revert to the adjacent property westerly of the proposed development site. The development entitlements for that property will also increase for general commercial use. The Planning Director and the Southeast San Diego Development Committee have reviewed the proposed vacation and have no objections to the proposed vacation. The Planning Commission recommended approval by a vote of 6-0 on April 25, 1991.

The area-of-vacation is partially improved with paving and provides only secondary access to the abutting northerly properties. The right-of-way is no longer required for traffic circulation, due to the construction of Imperial Avenue and Valencia Parkway. The right-of-way does contain an existing water line and will require an easement reservation. A drainage easement must also be reserved and adequate facilities installed to accommodate flows along the southerly boundary of the proposed vacation. In addition, curb, gutter, and sidewalk must be constructed across the vacation area at Imperial Avenue.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated. The right-of-way is no longer required for present or prospective public use and will not detrimentally affect the facilities for which it was originally acquired, since it provides only secondary access to the adjacent properties and is not required for circulation. The public will benefit through improved utilization of the land and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: Subitem-A&B: PERM-SESDDP/CUP 90-0451;
Subitem-C: DEED F-5748 J-2772
DEED FY 92-1

COUNCIL ACTION: (Tape location: A477-492.)

Hearing began 11:33 a.m. and halted 11:33 a.m.

MOTION BY STEVENS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-92-1118) ADOPTED AS RESOLUTION R-279291

(Continued from the meeting of December 10, 1991, Item 340E, at Councilmember Hartley's request, for full Council.) Matter of the following appeal from the decision of the Historical Site Board in designating the following property in the El Cortez Hill area, in the Centre City Community Plan area as an historical site:

Appeal of L. Sippel/Allan O. Kelly et al, by James S. Milch Attorney for the Bradley-Woolman Funeral Church (Repertory Theatre) located at 1620 6th Avenue. (District-3.)

Today's action is:

Adoption of a Resolution granting or denying the historical site designation of the Bradley-Woolman Funeral Church (Repertory Theatre).

FILE LOCATION: GEN'L - Historical Site Board Decisions, Appeals, etc.- Bradley-Woolman Funeral Church (Repertory Theatre)

COUNCIL ACTION: (Tape location: D272-349.)

Hearing began at 2:30 p.m. and halted at 2:40 p.m.

Testimony in favor by James Milch.

MOTION BY HARTLEY TO DENY THE APPEAL AND UPHOLD THE HISTORICAL SITE BOARD'S DECISION IN GRANTING THE DESIGNATION. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-S403: (R-92-1056 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-279290

Directing the City Manager and the City Attorney to prepare the appropriate Ordinances and Resolutions as outlined in the Mayor's State of the City Address for Council consideration, as follows:

1. Amend the San Diego Municipal Code to suspend the collection of the Business Tax for those businesses

with ten or more employees, with the intent that these businesses would only pay one-half of the taxes due for the 1992 Fiscal Year.

2. Amend the San Diego Municipal Code to delay the payment of Transient Occupancy Tax until June 30, 1992, in lieu of remitting the taxes to the City on a monthly basis as currently stipulated in the Code.

3. Request that MTDB work with the social service agencies to provide every recently unemployed San Diego resident a free bus pass and trolley pass for a six-month period.

4. Direct the City Manager to accelerate the construction of \$215 million of budgeted capital improvement projects.

5. Request the Port District to issue \$130 million in bonds utilizing a \$13 million surplus to begin construction projects for all of the Port cities.

6. Request the Port District to provide lease incentives to all Port manufacturing tenants who are willing to forgo job layoffs and plant transfers out of town.

7. Request the City Manager to adopt and implement most of the Economic development Task Force Report recommendations with all deliberate speed.

8. Direct the City Manager to prepare a plan to expand the Police Reserve Force from 141 to 250.

9. Authorize the formation of a New Volunteer Corps.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A498-C298.)

MOTION BY MCCARTY TO CONTINUE POINT #1 TO JANUARY 27, 1992 FOR THE CITY MANAGER TO COME BACK TO COUNCIL WITH A PLAN FOR SHORT TERM AND LONG TERM SOLUTIONS TO THE BUSINESS TAX REDUCTION PROPOSED, AND A PLAN THAT WOULD REDUCE THE BUSINESS TAX PERMANENTLY. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Motion by Filner to not approve this point as to the grave legal issues involved. No second. Motion by Stevens to

refer Point #2 to the Manager to bring back after the impact on deferring the TOT tax for one year has been determined. Second by Wolfsheimer. No vote.

MOTION BY STALLINGS TO CONTINUE POINT #2 TO JANUARY 27, 1992 TO HAVE THE CITY MANAGER AND THE HOTEL AND MOTEL ASSOCIATION WORK TOGETHER TO COME UP WITH A PROGRAM THEY CAN BRING BACK TO COUNCIL FOR THE BEST WAY TO HELP THE INDUSTRY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY BEHR TO APPROVE POINT #3. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO APPROVE POINT #4. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY MCCARTY TO APPROVE POINT #5 WITH THE FOLLOWING AMENDMENT THAT THE PORT BE REQUESTED TO EXPEDITE THE CAPITAL CONSTRUCTION PROJECTS UTILIZING BOND FINANCING AND COME BACK WITHIN A TWO WEEK PERIOD AS TO HOW TO IMPLEMENT IT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY FILNER TO APPROVE POINT #6 WITH THE FOLLOWING AMENDMENT THAT ALL TENANTS WHO ARE WILLING TO INCREASE JOB OPPORTUNITIES FOREGO JOB LAYOFFS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

POINT #7 REFERRED TO THE SPECIAL MEETING SCHEDULED FOR THURSDAY, JANUARY 16, 1992.

MOTION BY STALLINGS TO REFER POINTS #8 AND #9 TO THE SPECIAL COUNCIL HEARING SCHEDULED FOR FEBRUARY 3, 1992. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-92-818) ADOPTED AS RESOLUTION R-279292

(Continued from the meetings of November 25, 1991, Item S407 and January 6, 1992, Item 206; last continued at Councilmember Behr's request, for further review.)

Approving in concept the draft Memorandum of Understanding between the City of San Diego and the San Diego Unified School District for potential future park and school improvements in the Scripps Miramar Ranch Community Plan Area; directing the City Manager and City Attorney to continue to work with staff of the School District to develop a final Memorandum of Understanding for proposed Council approval (Scripps Miramar Ranch Community Area. District-5.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D066-263.)

MOTION BY BEHR TO ADOPT THE FOLLOWING:

1) TO ADOPT IN CONCEPT WITH AN AMENDMENT TO THE MOU ON PAGE 4, A & D TO CHANGE THE WORDING FROM "INDUSTRIAL USES" TO "LAND USES".

2) DIRECT THE CITY ATTORNEY TO A) HAVE FINALIZED IN PARALLEL FORM TWO DIFFERENT DOCUMENTS, ONE SPECIFICALLY FOR MIRA MESA PROPERTIES AND ONE FOR SCRIPPS RANCH THAT HAVE BASICALLY BEEN APPROVED IN CONCEPT BY THE COUNCIL; B) TAKE THESE DOCUMENTS TO THE COMMUNITIES AND HAVE A CITY ATTORNEY RESPOND TO THE COMMUNITIES' QUESTIONS IN AN ADEQUATE FASHION; AND C) TO PREPARE THE NECESSARY LEGAL DOCUMENTS WITH THE SCHOOL DISTRICT LEGAL STAFF TO MAKE THESE TRANSACTIONS WORK. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S405: (R-92-1111) ADOPTED AS RESOLUTION R-279294

(Continued from the meetings of November 12, 1991, Item S413, November 25, 1991, Item 150, December 9, 1991, Item 150, and January 6, 1992, Item 170; last continued at Councilmember Behr's request, for further review.)

In the matter of the City Council Committee System. (See memorandum from Councilmember Wolfsheimer dated 11/11/91; and memorandum from Councilmember Behr dated 11/6/91.)

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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D350-E412.)

Motion by Wolfsheimer to amend the motion to have the Council continue to elect the chair annually the first week in December and/or vice chair on an annual basis. Second by Filner. Failed. Yeas-1,3,8; Nays-2,4,5,6,7; Not present-M.

MOTION BY BEHR TO ADOPT THE FOLLOWING:

- 1) TO MOVE APPROVAL OF COUNCIL MEMBER BEHR'S REPORT TO THE MAYOR AND COUNCIL MEMBERS DATED JANUARY 13, 1992 REGARDING THE COMMITTEE SYSTEM.
- 2) CORRECTING ATTACHMENT A TO SAY PUBLIC FACILITIES AND RECREATION INSTEAD OF PUBLIC FACILITIES.
- 3) ADDING THE CENTRAL LIBRARY AND THE INTERNATIONAL AIRPORT TO THE COMMITTEE OF THE WHOLE, LEAVE SAN DIEGUITO PARK IN TRANSPORTATION AND GENERAL AVIATION WILL BE UNDER PUBLIC FACILITIES & RECREATION.
- 4) DIRECT THE MANAGER AND CITY ATTORNEY TO COME BACK WITH THE APPROPRIATE DOCUMENTATION.
- 5) COUNCIL TO COME BACK NEXT WEEK TO MAKE THE ASSIGNMENTS. Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (O-92-10) NOTED AND FILED

(Continued from the meeting of January 7, 1992, Item 338, at the City Manager's request, prior to the first public hearing.)

Introduction and adoption of an Ordinance amending Ordinance No. O-17667 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1991-92 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending the personnel authorization of the Water Utilities Department (700) to exempt from the Classified Service a new Deputy Director position for the Technical Services and Environmental Monitoring Division in the Water Utilities Department, Program

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Element 70211; and establishing a salary rate.
(See City Manager Report CMR-92-03.)

NOTE: Prior to the first hearing, action was taken on this item by Council to continue for one week. At the first hearing, Council returned the item to the budget process. Today's action should be to note and file this second hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C299-305.)

MOTION BY FILNER TO NOTE AND FILE. Second by Stallings.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at
3:26 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E487.)